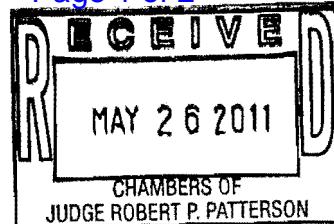


15clshoa

MEMO ENDORSED

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF NEW YORK
 -----x



3 SHOE YORK, LLC, STEPHEN
 KLUBACK,

4 Plaintiffs,

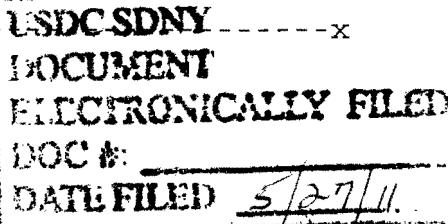
5 v.

6 10-CV-7738 (RPP)

7 BRIAN BETSCHART,

8 Defendant.

Oral Argument



11 Before:

12 HON. ROBERT P. PATTERSON, JR.,
 13 District Judge

14 APPEARANCES

15 THE LAW OFFICE OF ANTAR P. JONES, PLLC
 16 Attorneys for Plaintiffs
 BY: ANTAR P. JONES, ESQ.

17 SULIMANI LAW FIRM, P.C.
 18 Attorneys for Defendant
 BY: NATALIE SULIMANI, ESQ.
 BENJAMIN NAHOUM, ESQ.

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Defendant's motion to dismiss
 is denied as to Plaintiff's claim of
 breach of the Revenue sharing agreement
 and claim of unpaid enforcement fee
 granted as to Plaintiff's other claims.
 Plaintiff is ordered to pay the
 Plaintiff's costs and expenses
 regarding Plaintiff's motion to dismiss.
 5/26/11

**Case: Shoe York, LLC, Stephen Kluback v. Brian Betschart
Index No. 10 Civ. 7738 (RPP)**

MEMO ENDORSEMENT READS:

Defendant's Motion to Dismiss is denied as to Plaintiffs' claim of breach of the Revenue Sharing Agreement and claim of unjust enrichment but granted as to Plaintiffs' other claims for the reasons set forth in this transcript.

So ordered.

Robert P. Patterson, Jr., U.S.D.J., 5/26/11